



AXLEY BRYNELSON, LLP

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January 28, 2015

**VIA ECF**

Clerk, Peter Oppeneer  
United States District Court  
120 N. Henry Street, Room 320  
Madison, WI 53703

Re: *Promega Corporation, et al. v. Life Technologies Corporation*  
Western District Case No. 10-cv-281-bbc  
Our File: 16262.65429

Dear Clerk Oppeneer,

On December 15, 2014, the United States Court of Appeals for the Federal Circuit issued its decision in *Promega Corp. v. Life Technologies Corp.* (Appeal No. 13-1011) and remanded the case for further proceedings. Life Technologies filed its petition for panel rehearing and *en banc* rehearing on January 14, 2015. Promega filed its petition for panel rehearing on January 14, 2015. The United States Court of Appeals for the Federal Circuit invited, on January 20, 2015, Promega to file a response to Life Technologies' combined petition for rehearing and *en banc* rehearing. Promega's response is due on or before February 3, 2015. To date, the mandate from the Federal Circuit Court of Appeals has not been issued.

This Court has issued a notice setting a telephonic status conference in this matter for February 11, 2015 at 9:00 a.m. Counsel for the parties have conferred. Given the pending petitions for rehearing, counsel respectfully request that the Court continue the status conference until the United States Court of Appeals for the Federal Circuit has decided the pending petitions and issued its mandate. If the court would prefer to go forward with the status conference, as scheduled, counsel for the parties will, of course, attend telephonically and participate in the status conference.

Sincerely,

AXLEY BRYNELSON, LLP

*s/ Michael J. Modl*

Michael J. Modl  
MJM/lmn

cc: All Counsel of Record, via ECF Notification  
Attorney Edward Reines (via e-mail)

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